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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 6014 of 2006

PETITIONER : Rajesh Kumar Nayak S/o. Gulab Singh Nayak Aged about 38 years Post-Assistant Teacher R/o. Village - Kirari, Post- Kirari, Tahsil Dabhra District Janjgir-Champa (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh Through : Secretary Department of Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. District Education Officer, Janjgir, District Janjgir-Champa (C.G.)

3. Block Education Officer Block-Dabhra District Janjgir-Champa (C.G.)

4. The Principle Govt. Higher Sec. School Kirari, Tahsil Dabhra Distt. Jajgir-Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

Present: Shri Anil Mourya, Advocate for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State / respondents.

ORDER

(Passed on 27th day of April, 2007)

1. Learned counsel appearing for the petitioner as well as for the State/respondents jointly submit that the fact and question of law involved in the present writ petition are the same to that of in **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}**, which has been disposed of vide order dated 03.04.2006. Learned counsel appearing for the respondents does not controvert the said submission.

2. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma* vs. *The State Govt. of Chhattisgarh and another***) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma* vs. *The State Govt. of Chhattisgarh and another***) (Supra).

3. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired D.Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit